



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

MAY 09 2001

REPLY TO
ATTENTION OF

Construction-Operations
Regulatory (01-02539-NP-CKK)

Dennis Shea
New Lisbon Correctional Institution
2000 Progress Dr.
New Lisbon, Wisconsin 53950

Dear Mr. Shea:

We have reviewed your application about your project to place a 12 inch water main through an isolated wetland. The project site is located in the W 1/2, SW 1/4, Sec. 10, T. 16N., R. 3E., Juneau County, Wisconsin, as shown on the attached drawing or map.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination is a waterbody/wetland that is approximately 1.12 acres in size.

The subject water body is not a "water of the United States" because it is: (1) not a navigable water, (2) not an interstate water, (3) not part of a tributary system to 1 or 2, (4) not a wetland adjacent to any of the foregoing, and not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act.

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

